



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

November 24, 2009

Mr. Steve Blazek
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado 80401-3393

Dear Mr. Blazek:

The Fish and Wildlife Service (Service) has reviewed your letter dated October 27, 2009, requesting information regarding the potential presence of federally listed species on a property in Itawamba County, Mississippi. Bluefire Ethanol is proposing to construct a bio-refinery near the City of Fulton along the Tennessee-Tombigbee Waterway (TTWW). Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e).

The following species or their habitats could be found on or near the subject property:

Critical Habitat has been designated for seven federally listed mussel species within top bank of East Fork Creek and Bull Mountain Creek. The endangered heavy pigtoe mussel (*Pleurobema taitianum*), the endangered southern combshell mussel (*Epioblasma penita*), the endangered southern clubshell mussel (*Pleurobema decisum*), the endangered ovate clubshell mussel (*Pleurobema perovatum*), and the endangered black clubshell mussel (*Pleurobema curtum*), the threatened Alabama moccasinshell (*Medionidus acutissimus*), and the threatened orange-nacre mucket (*Lampsilis perovalis*) require clean, swiftly moving waters with pools and riffles.

Although the proposed work activities are not within the channels of these waterbodies, work activities that increase sedimentation and water turbidity in these watersheds could have adverse impacts on these species. Therefore, be advised that top bank and in-stream activities can affect aquatic habitats for several miles up and downstream.

In addition, the bald eagle (*Haliaeetus leucocephalus*) is known to nest along the TTWW. Although the bald eagle was officially removed from the List of Endangered and

Threatened Species as of August 8, 2007, it continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA).

Bald eagles nest in Mississippi from December through mid-May in mature trees (e.g., bald cypress, sycamore, willow, etc.) near fresh to intermediate marshes or open water. Nest sites typically include at least one perch with a clear view of the water or area where the eagles usually forage. Bald eagles are vulnerable to disturbance during courtship, nest building, egg laying, incubation, and brooding.

The Service developed the National Bald Eagle Management (NBEM) Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute "disturbance," which is prohibited by the BGEPA. A copy of the NBEM Guidelines is available at

<http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>.

If any presence of the bald eagle is found near the project site, further consultation with the Service may be necessary.

To protect these and other aquatic resources in the TTWW, we recommend that no discharges from the site be made into the river channel. In addition, we recommend that an emergency management plan be designed to address protocols for spill response and potential impacts to aquatic resources in the TTWW.

Thank you for the opportunity to participate in the planning and development of this project. If you have any questions, please contact this office (601) 321-1132.

Sincerely,



Kathy W. Lunceford
Fish and Wildlife Biologist

Cc: FWS, Atlanta, GA
Attn: Jerry Ziewitz

